

Application No. : 09/825,772  
Amdt. Dated : October 21, 2009  
Reply To O.A. Of : July 21, 2009

### REMARKS

By way of summary, Claims 30-45 and 55-60 were pending in this application. Claims 30-45 and 55-60 remain pending for consideration.

#### **Rejection Of Claims 30-45 and 55-60 Under 35 U.S.C. § 103**

The Office Action rejected Claims 30-45 and 55-60 under 35 U.S.C. § 103 as being unpatentable over Reisman in view of Solomon. The Applicant respectfully traverses this rejection because the Reisman patent, alone or in combination with the Solomon patent, fails to teach or suggest the elements of the claims. See M.P.E.P. § 2143 (stating that in order to establish a *prima facie* case of obviousness for a claim, the prior art references must teach or suggest all the claim limitations).

For example, Reisman teaches a system for updating information such as one might find in an online (or floppy disk delivered) magazine or periodical. In Col. 25, Reisman discusses a modification using the term "subscription delivery," however, this subscription is simply a way to install Reisman's software to fetch information. Moreover, the Information-on-demand disclosure of Col. 26 allows a user to request information such as a product catalog and buy items of interest.

Solomon on the other hand is simply a rebate processing disclosure.

Thus, Reisman alone or combined with Solomon fail to teach or suggest the Applicant's claimed subject matter of a user subscribing to a specific product's information. That detailed subscription provided to a server gives the server the detailed parameters upon which a user is willing to receive an initial vendor offer. When and only when such parameters are met, is the vendor allowed to send a single targeted advertisement to the user. Thus, the advertisement was only originally send when the parameters met the conditions previously chosen by the user (e.g., in the subscription).

Moreover, the uncited disclosure of Bixler still fails to teach or suggest this type of subscription system. For example, the Bixler reference disclosure a car or home buying telephone system where the user enters car and home search buying criteria and a potentially long list of results from the system are sent to the users telephone for

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review. Thus, Bixler focuses on the entry of a search criteria to narrow available cars/homes for purchase.

Thus, the Applicant respectfully submits that the cited prior art (and Bixler), alone, or improperly combined together, fail to identically teach or suggest every element of claims. Moreover, the Applicant respectfully submits that the prosecution for this application has been fully developed over numerous rejection and responses. Accordingly, the Applicant requests allowance of the presently pending claims.

#### **Request For Telephone Interview**

In view of the forgoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Applicant's attorney of record hereby formally requests a telephone interview with the Examiner. The Applicant's attorney can be reached at (949) 721-2946.

#### **Co-Pending Applications of Assignee**

The Applicant also wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

<b>Docket No.</b>	<b>Serial No.</b>	<b>Title</b>	<b>Filed</b>
CHANOS.001CP1	10/043876	<i>Feature Rich Advertisements Including Consumer Requests For Additional Information</i>	Jan 10, 2002

#### **No Disclaimers or Disavowals**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that

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capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

In addition, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 21, 2009

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